

Minutes of the November 12, 2009 Animal Control Commission

The Animal Control Commission met on Thursday November 12, 2009 in the Council Chamber of City Hall.

Members present: Laura Bartrom, Sarah Davis, Tom Shutes, Jackie Becker, Lt. Chris Weaver, LPD and Ed Chosnek, Legal Counsel.

Absent: C.J. Jones, and Michelle Warren

Animal Control Officers present: Randy Hale and Monica Alcorn

Meeting called to order at 7:00 P.M. by Laura Bartrom, Chairman.

Mrs. Becker moved to approve the minutes of the September 10, 2009 meeting and the October 13, 2009 meeting. Mrs. Davis seconded. Motion passed.

Lt. Weaver gave the following Animal Control Update: Statistics January to November 2009

- 4352 Animal Complaints logged
- 176 citations= 61-nuisance, 38-animal care, 57-licensing and 17 abandonment
- 42 warnings

Old Business:

Mr. Chosnek supplied a draft copy of proposed changes for Amended Ordinance 2007-14 (see attached copy) based on previous meeting discussions and gave a brief explanation of the changes. Mrs. Becker moved to table action to the March 11, 2010 meeting to allow members a chance to review draft. Mrs. Davis seconded. Motion passed.

Violation Appeals from citizens:

Mr. Chosnek presented a request to appeal letter for an ordinance violation ticket received from Lassi Kivioja, 60 Blackfoot Ct. for a ticket written for abuse and neglect on September 13, 2009 with a fine amount of \$150, the ticket was issued by Monica Alcorn, Animal Control Officer. Mr. Kivioja was present at the meeting. Officer Alcorn spoke regarding several calls she had received from neighbors regarding trapping and abuse of cats and opossums. Officer Alcorn stated she was called to the residence again on September 13, 2009 after a complaint from a neighbor and Mr. Kivioja took her to the back of the residence where there was a deceased opossum in a trap, when Officer Alcorn asked Mr. Kivioja what had happened to the animal, he stated he shoot with his "22" gun. Officer Alcorn then issued a ticket based on the abuse of the animal and the numerous visits due to complaints previously made to the residence. Ms. Alcorn also presented to the board a letter she had received via email from Tom Topping, a neighbor directly behind Mr. Kivioja's residence, stating multiple incidents of alleged animal abuse. Mrs.

Becker asked that it be noted it is illegal to discharge a firearm within the city limits. Officer Alcorn noted there had been at least four complaints regarding Mr. Kivioja and his treatment of animals. Mr. Kivioja then spoke in his defense stating he is unclear of the accusation because he cannot clearly read the ticket. Mr. Chosnek asked Mr. Kivioja if he had trapped the opossum and shot it. Mr. Kivioja answered yes he did. Mr. Chosnek asked why he had shot and Mr. Kivioja responded to kill it because he did not want his home infested with opossums. Mrs. Becker stated as Mr. Kivioja has admitted trapping and shooting the animal in direct violation of the law, she would move to close the testimony and deny the appeal. Mrs. Davis seconded. Motion passed by unanimous voice vote.

Ms. Bartrom presented a calendar of meetings for the year 2010 for Commission approval. Ms. Bartrom move to change the tentative final meeting date of the year from November 11th to December 9th, Mrs. Davis seconded. Motion passed by unanimous voice vote and the 2010 meeting calendar was approved as follows:

ANIMAL CONTROL COMMISSION MEETING SCHEDULE FOR 2010

ALL MEETINGS WILL BE HELD AT 7:00 P.M. IN THE COUNCIL CHAMBER ON THE 1ST FLOOR OF CITY HALL, 20 N. 6TH STREET

THURSDAY, MARCH 11, 2010

THURSDAY, JUNE 10, 2010

THURSDAY, SEPTEMBER 9, 2010

THURSDAY, DECEMBER 9, 2010

Public Comment

Ruth Wasmouth, 905 Eastwich Dr. spoke regarding enforcing the limit on dogs and cats per residence and asked that it remain the same.

With no further business to come before the commission, Dr. Shutes moved to adjourn the meeting, Mrs. Davis seconded. Meeting adjourned at 7:55 P.M.

Complete Audio of the meeting is available on the city website and on file in the City Clerks Office. Minute prepared by Sue Scott, Deputy Clerk

Draft for discussion purposes only

**Proposed Changes to:
Amended Ordinance 2007-14
Adopted June 4, 2007**

Add the following definitions:

Article 1. Definitions

10.01.010

Animal Abandonment:

An act in which a person who knowingly, intentionally or recklessly leaves an animal unattended, without proper food, water, or shelter, for twenty-four hours or more.

Animal Foster Care Provider:

A person approved and documented by the agency that has the sheltering contract with the City of Lafayette, or any other rescue organization that has been approved by said agency to register Foster Care Providers. Said Foster Care Provider approved and documented by the agency or an approved rescue organization shall on a temporary basis be allowed up to 6 cats or 6 dogs or any combination thereof at one time. Said provider will be required to demonstrate compliance with the Animal Foster Care requirements as established by the Lafayette Animal Control Commission.

At Large

An animal that is:

- a) Not confined in a pen, corral, yard, cage, house, vehicle or other secure enclosure; or
- b) Not on a leash and is off the property of its owner, its owner's agent, or its keeper; or
- c) On a leash that does not adequately confine the animal to the property of its owner, its owner's agent, or its keeper; or
- d) On a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal.

Colony

A group of one or more free-roaming cats, whether managed or unmanaged.

Colony caretaker

A person who provides food, water, and shelter for free-roaming cats in a managed colony.

Free-roaming cat

Any homeless, stray, wild, or untamed cat.

Managed colony

A colony of free-roaming cats that is registered with the animal control commission or its designee and is maintained by a colony caretaker using trap, neuter, and return methodology.

Sec. 10.01.022.

LIMIT ON OWNERSHIP OF DOGS AND CATS

It is unlawful to keep or harbor more than three dogs and three cats beyond the age of **5 months** in any dwelling unit, structure or property. A person who violates this section shall be punishable as provided in section 10.01.100 of this Code.

(Old ordinance has age of weaning – may be subject to disputes and disagreement and not as precise as “5 months”)

Grandfather Exception:

An exception shall be made to the limit on dogs and cats described herein, if at the time the Ordinance was adopted on June 4, 2007, the pet owner can give satisfactory evidence to the Lafayette Animal Control Officer that the limitation was exceeded at the time the Ordinance was adopted, and the Animal Control Officer confirms that the person is a responsible pet owner that can and has provided adequate food, water, shelter and care for said animals. However, in any event, the pet owner is not permitted more than 6 cats or 6 dogs or any combination thereof not to exceed 6. In addition said pet owner shall not replace any animal or obtain a replacement pet until the owner can do so in compliance with the limitation of ownership established by Section 10.01.022.

Multi-Pet License:

A person owning, keeping, harboring, or having custody of any dog or cat that would exceed the limitation provided in this ordinance may seek to obtain a multi-pet license to allow that person to keep or harbor a total of 6 cats or 6 dogs or any combination thereof not to exceed 6. To obtain a multi-pet license, in addition to all the pet registration requirements provided in Article 4, Licensing and Registration of Dogs and Cats, the person must allow for a home inspection by an Animal Control Officer to determine that said person is a responsible pet owner that can provide adequate care, shelter, and control of said animals and otherwise comply fully with the provisions of the Animal Control Ordinance herein.

Multi-Pet License Fee:

An annual fee of \$100.00 shall be charged for a multi-pet license in order to pay for the cost of providing for a home visit by an Animal Control Officer to confirm that the person seeking to obtain a multi-pet license is a responsible pet owner that can provide adequate food, water, shelter, care and control of multiple pets.

Section 10.01.034

Feral Cats-Trap, Neuter, Return

- a). Unauthorized Caretaking Prohibited
 - 1. It shall be unlawful to provide food, water, or shelter to a colony of free-roaming cats that is not registered with the Lafayette Animal Control Commission or its designee, without implementing the trap, neuter, return method as set forth under the standard guidelines by the Animal Control Commission or its designee.
- b). Managed Colony
 - 1. Each feral cat colony will be registered by the Caretaker with the Animal Control Commission for the City of Lafayette, which shall maintain a list of current caretakers and registered feral cat colonies.
- c). Colony Caretaker Responsibilities
 - 1. Colony caretakers shall abide by standard guidelines devised by the Animal Control Commission or its designee regarding the provision of food, water, shelter, and veterinary care for cats within the managed colony.
- d) The Lafayette Animal Control Commission or its designee, in order to encourage the stabilization and reduction of the free-roaming cat population in the City, may:
 - 1. Trap any free-roaming cat in a humane manner;
 - 2. Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian;
 - 3. Release the cat to the Almost Home Humane Society for adoption or other disposition in accordance with the law, or to a colony caretaker who will maintain the cat as part of a managed colony of free-roaming cats.